

GAHC010244102024



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**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/6195/2024**

MD. MOINUL HOQUE  
S/O. LATE NAZIR HUSSAIN, VILL.- CHANDMAMA, P/O. CHANDMAMA,  
DIST. BARPETA, ASSAM, PIN-781321.

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,  
EDUCATION DEPARTMENT (ELEMENTARY), DISPUR-06, ASSAM.

2:THE DISTRICT ELEMENTARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-19.

3:THE STATE LEVEL SCRUTINY COMMITTEE ELEMENTARY EDUCATION  
DEPARTMENT  
REP. BY ITS CHAIRMAN  
DISPUR  
GHY-06.

4:THE DISTRICT LEVEL SCRUNITY COMMITTE  
BARPETA  
REP. BY ITS CHAIRMAN CUM DISTRICT COMMISSIONER  
P/O. BARPETA  
DIST. BARPETA  
ASSAM.

5:THE HEADMASTER  
JAJAPRIYA GIRLS M.E. MADRASSA  
CHANDMAMA  
P/O. CHANDMAMA

DIST. BARPETA  
ASSAM

**Advocate for the Petitioner** : MR H R A CHOUDHURY, B BARMAN,MR. H ALI

**Advocate for the Respondent** : GA, ASSAM, SC, ELEM. EDU,MS. N M LONGKENG(R-5),MR. P DAIMARY(R-5),MR. P K DEKA(R-5),J MEDHI (R-5),MR. I H LASKAR(R-5)

**BEFORE**  
**HONOURABLE MR. JUSTICE NELSON SAILO**

**ORDER**

**Date : 05.01.2026**

The services of the petitioner was provincialised vide order dated 05.02.2021 (Annexure 10) as Tutor in Barbhitha Higher Secondary School, where the petitioner was attached at the relevant time. Aggrieved, one Mujammel Hussain filed WP(C)/998/2021 which was disposed of vide order dated 01.10.2021 by directing the said petitioner to submit a representation before the Director and with a further direction to the Director to dispose of the same after hearing the stake holders. Thereafter, as instructed by the Director of Elementary Education the District Scrutiny Committee, Barpeta District held its meeting on 29.01.2024 to scrutinize the records and documents of teachers of the concerned recognized Upper Primary Schools as per Provincialisation Act of 2017 and 2018. The case of the petitioner was also considered and the DSC recommended the name of the petitioner in place of Mujammel Hussain whose recommendation was cancelled.

Despite the same, the Director of Elementary Education through Communication dated 29.07.2024 has conveyed to the District Elementary Education Officer, Barpeta that the recommendation of the DSC vide meeting

minutes dated 29.01.2024 cannot be considered for the reasons mentioned in the said letter. Aggrieved, the petitioner is before this Court.

The respondents have not filed their counter affidavits except for respondent No.5.

Considering the issue involved, a response from the Elementary Education Department will be necessary.

At this stage Ms. P. Das, learned Standing Counsel, Secondary Education Department appears on behalf of Mr. B. Kaushik, learned Standing Counsel, Elementary Education Department and seeks for adjournment on his behalf. Considering the same, the matter stands adjourned to be listed again on 05.02.2026.

The Elementary Education Department shall file their affidavit-in-opposition on or before 03.02.2026 with copies to the other side. If the affidavit-in-opposition is not filed for any reason what so ever, the Standing Counsel for the Elementary Education Department shall produce the relevant records for perusal of the Court.

Ms. D. D. Barman, learned Senior Govt. Advocate appearing for the respondent No.4 i.e., District Level Scrutiny Committee, Barpeta shall also produce the records pertaining to the instant case for perusal of this Court by the next date.

**JUDGE**

**Comparing Assistant**